

IC 33-4-2

Chapter 2. Powers and Authority of Circuit Courts

IC 33-4-2-1

Process of courts

Sec. 1. They shall have power to issue and direct all processes, to courts of inferior jurisdiction, and to corporations and individuals which shall be necessary to the regular execution of the law.

(Formerly: Acts 1852, 2RS PART I, c.4, s.6.)

IC 33-4-2-2

Form of process

Sec. 2. Where there shall be occasion for any process for which no form is prescribed by law, such court shall frame a new writ in conformity with the principles thereof.

(Formerly: Acts 1852, 2RS PART I, c.4, s.7.)

IC 33-4-2-3

Judgments; sentences; orders and injunctions

Sec. 3. Such courts shall have power to make all proper judgments, sentences, decrees, orders and injunctions, and to issue all processes, and to do such other acts as may be proper to carry into effect the same, in conformity with the constitution and laws of this state.

(Formerly: Acts 1852, 2RS PART I, c.4, s.8.)

IC 33-4-2-4

Subject matter in two or more counties

Sec. 4. When the subject matter of any such court shall be situate in two (2) or more counties, the court which shall first take cognizance thereof shall retain the same.

(Formerly: Acts 1852, 2RS PART I, c.4, s.9.)

IC 33-4-2-5

Commissions for examination of witnesses

Sec. 5. Such courts shall also have power and authority to grant commissions for the examination of witnesses, according to the regulations of law.

(Formerly: Acts 1852, 2RS PART I, c.4, s.10.)

IC 33-4-2-6

Seal of court

Sec. 6. The circuit court of each county shall have a seal, a description of which, signed by the judge devising the same, shall be filed by the clerk, and recorded.

(Formerly: Acts 1852, 2RS PART I, c.4, s.11.)

IC 33-4-2-7

Clerk's private seal

Sec. 7. In all new counties, where seals for the circuit courts thereof have not been devised, it shall be lawful for the clerks thereof to seal

all papers, where the seal of such courts shall be required by law, with their own private seal, and the same shall have like force as if they had been sealed with a seal devised by such courts.
(Formerly: Acts 1852, 2RS PART I, c.4, s.12.)

IC 33-4-2-8

Oaths; contempt

Sec. 8. The said circuit courts, respectively, shall have full authority to administer all necessary oaths, and to punish, by fine and imprisonment, or either, all contempts of their authority and process in any matter before them, or by which the proceedings of the court, or the due course of justice, is interrupted.

(Formerly: Acts 1852, 2RS PART I, c.4, s.13.)

IC 33-4-2-9

Recognizances

Sec. 9. The judges of such circuit courts, within their respective districts, shall take all necessary recognizances to keep the peace, or to answer any criminal charge, or offense, in the court having jurisdiction.

(Formerly: Acts 1852, 2RS PART I, c.4, s.15.)

IC 33-4-2-10

Failure of judge to attend court

Sec. 10. There shall be no discontinuance of any suit, process, matter, or proceeding whatever returnable to, or pending in any circuit court, by reason of a failure of the judge to attend on the first or any other day of the term.

(Formerly: Acts 1852, 2RS PART I, c.4, s.16.)

IC 33-4-2-11

Sheriff or coroner absent or incapacitated; appointment of elisor

Sec. 11. If, at any time there shall be no sheriff nor coroner to attend, or if the sheriff and coroner shall both be incapacitated from serving, the board of county commissioners shall have power to appoint an elisor to serve during the pendency of the matter in which such officer may be disabled from serving.

(Formerly: Acts 1852, 2RS PART I, c.4, s.20.) As amended by P.L.7-1983, SEC.35.

IC 33-4-2-12

Oath and bond of elisor

Sec. 12. Such elisor shall take the like oath and give the like bond and surety as are required of sheriffs, and shall have the same authority to perform all the duties of the sheriff which shall relate to the service for which he may be thus specially appointed, and shall be governed by the same rules, and be subject to the like penalties and liabilities.

(Formerly: Acts 1852, 2RS PART I, c.4, s.21.)